

Message Text

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ACTION L-03

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RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

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TO SECSTATE WASHDC 1202

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UNCLAS SECTION 1 OF 2 GENEVA 4379

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: MAIN COMMITTEE MEETING AUGUST 13

1. SUMMARY. MAIN COMMITTEE HEARD REPORTS ON SUB-COMMITTEES WORK AND BRIEFLY CONSIDERED QUESTION OF FINAL SEABED COMMITTEE REPORT. US REP GAVE STATEMENT ON PROBLEM OF "ZONE-LOCKED" STATES WHICH ELICITED SOME RESPONSE. SINGAPORE GAVE STATEMENT ON NEED FOR MEANINGFUL SIZE FOR INTERNATIONAL AREA. UNEP REP GAVE STATEMENT ON ROLE OF THIS ORGANIZATION RELATING TO MARINE POLLUTION. END SUMMARY.

2. THERE WERE BRIEF REPORTS GIVEN ON WORK IN SUBCOMMITTEES AND WORKING GROUPS. CHAIRMAN OF SCII WG OF WHOLE STRESSED THAT IT WAS STILL POSSIBLE TO ACHIEVE PROGRESS DURING REMAINING DAYS OF SUBCOMMITTEE SAYING THAT SERIOUS NEGOTIATIONS AMONG SPONSORS OF VARIOUS PROPOSALS HAD BEGUN IN ORDER TO REDUCE

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NUMBER OF ALTERNATIVE TEXTS ON SAME ISSUE AND THAT

THIS HAD BEEN FRUITFUL. HE ASKED THAT WG OF WHOLE BE GIVEN AS MUCH TIME AS POSSIBLE TO DO ITS WORK.

3. SEABED COMMITTEE CHAIRMAN AMERASINGHE ANNOUNCED THAT WORK OF SUBCOMMITTEES WOULD BE COMPLETED BY AUGUST 20 AND THAT PLENARY WOULD MEET CONTINUOUSLY FROM AUGUST 21 THROUGH 24 TO DEAL WITH FINAL REPORT. HE EXPRESSED CONCERN WITH FACT THERE REMAIN 22 DELEGATIONS ON LIST OF SPEAKERS IN SCII AND THAT IT APPEARS THAT GENERAL DEBATE IS TAKING PLACE IN THAT SUBCMTE. HE URGED THAT DELS NOT ATTEMPT TO COMPLETE WORK OF LOS CONFERENCE AT THIS SESSION BUT CONCENTRATE ON FEW CRUCIAL ISSUES. HE SUGGESTED ONE WAY TO RESOLVE SOME ISSUES WOULD BE FOR SMALL GROUP OF REPS ("WISE MEN") TO ATTEMPT TO FIND SOLUTIONS. PERU REP URGED THAT SEABED COMMITTEE DO EVERYTHING POSSIBLE TO ENSURE SANTIAGO CONFERENCE IS SUCCESS AND FOR THE PURPOSE PREPARE AND SUBMIT TEXTS OF DRAFT ARTICLES. OTHERSISE HE STATED, SANTIAGO CONFERENCE WOULD HAVE TO DO PREPARATORY WORK WHICH SEABED COMMITTEE SHOULD BE DOING. HE FURTHER STATED THAT USE OF "WISE MEN" WOULD BE NO SUBSTITUTE FOR CONSULTATIONS WITHIN SEABED COMMITTEE.

4. COMMITTEE CHAIRMAN DISCUSSED FINAL REPORT BRIEFLY, SAYING IT WOULD CONSIT PRINCIPALLY OF PROPOSED TREATY TEXTS AND THERE WOULD BE NO ATTEMPT TO REFLECT VIEWS OR POSITIONS EXPRESSED IN DEBATE. PERU REP OBJECTED THAT REPORT SHOULD MAKE SOME REFERENCES TO VIEWS EXPRESSED.

5. US REP (MOORE) GAVE STATEMENT ON PROBLEMS WHICH ESTABLISHMENT OF 200-MILE ZONES OF JURISDICTION COULD CREATE FOR MAJORITY OF COASTAL STATES WHICH WOULD FIND THEMSELVES "ZONE-LOCKED", I.E., WHICH WOULD NOT HAVE DIRECT ACCESS TO AN OCEAN ON WHICH IT FACES EXCEPT THROUGH AN AREA WITHIN 200 NAUTICAL MILES OF ONE OR MORE OTHER STATES (FOR TEXT OF STATEMENT SEE GENEVA 4335). US DEL CRICULATED TEXT OF STATEMENT WITH ATTACHED LIST OF ZONE-LOCKED STATES DEPENDENT ON THEIR TRAFFIC ROUTING ON TOTALLY ZONE LOCKED STATE OR STATES.

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6. FRANCE, WHICH WAS CITED IN US STATEMENT AS EXAMPLE OF STATE NOT POTENTIALLY ZONE-LOCKED, TOOK ISSUE, SAYING IT ALSO WAS ZONE-LOCKED. AUSTRALIA EXPRESSED CONCERN WITH US STATEMENT DESCRIBING IT AS A "DRAMATIC" PRESENTATION OF NEW CATEGORY OF COUNTRY. HE ASSERTED THAT AUSTRALIA HAS AN INTEREST IN FREEDOM OF NAVIGATION AND DOES NOT WANT TELCREASE COSTS OF SEA TRANS-

PORT. AUSTRALIAN REP REITERATED GOA VIEW THAT COASTAL STATE SHOULD HAVE RIGHT TO MAKE OWN REGULATIONS TO PROTECT MARINE ENVIRONMENT. HE STATED THAT AUSTRALIA RECOGNIZES THAT WITHOUT SAFEGUARDS THERE COULD BE ABUSE AND HAS THEREFORE PROPOSED APPROPRIATE SAFEGUARDS AND SET OUT STANDARD OF REASONABLENESS WITHIN POLLUTION ZONE. HE REJECTED SUGGESTION THAT

THERE SHOULD BE ONLY INTERNATIONAL STANDARDS WITH NO RESIDUAL COASTAL STATE RIGHTS. CANADIAN REP ASSOCIATED HIMSELF WITH AUSTRALIAN REMARKS. PERU REP EXPRESSED SURPRISE AT US STATEMENT, CHARACTERISING IT AS INGENUOUS BUT UNCONVINCING INVENTION INTENDED TO OPPOSE 200-MILE LIMIT AND AS SUCH NOT DESERVING OF SERIOUS CONSIDERATION. CHILE REP ASSOCIATED HIMSELF WITH COMMENTS ON US STATEMENT BY AUSTRALIA, CANADA, AND PERU. HE TOOK NOTE OF "IMPORTANT" FACT THAT US IN ITS STATEMENT HAD INDICATED SUPPORT FOR BROAD AREA OF ECONOMIC JURISDICTION.

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7. UNEP REP (TOLBA) GAVE STATEMENT ON ORGANIZATION'S ROLE AS COORDINATOR OF UN ACTIVITIES IN FIELD OF ENVIRONMENT. HE STATED THAT ANY LEGAL REGIME ESTABLISHED BY LOS CONFERENCE FOR EXPLOITATION AND MANAGEMENT OF OCEAN RESOURCES SHOULD BE BASED ON FIRM COMMITMENT FOR PRESERVATION OF MARINE ENVIRONMENT. HE URGED THAT LOS CONVENTION STRENGTHEN LEGAL BASIS FOR DEVELOPMENT OF LAW OF STATE LIABILITY AND COMPENSATION FOR VICTIMS OF POLLUTION AND OTHER ENVIRONMENTAL DAMAGE. AS MINIMUM FIRST STEP THERE SHOULD BE PROVISION, RAISING TO LEVEL OF TREATY OBLIGATION, THE ENVIRONMENTAL RESPONSIBILITY OF STATES WITH RESPECT TO ACTIVITIES WITHIN THEIR JURISDICTION AND CONTROL. HE URGED THAT CONVENTION SHOULD ESTABLISH ADEQUATE INTERNATIONAL PRES-
CRIPTIVE COMPETENCE TO BE VESTED IN APPROPRIATE INTERNATIONAL INSTITUTION OR INSTITUTIONS INCLUDING AUTHORITY TO DEVELOP INTERNATIONAL MINIMUM STANDARDS, CRITERIA AND GUIDELINES WITH RESPECT TO ALL FORMS OF OCEAN-BASED POLLUTION. FINALLY THERE SHOULD BE VIABLE AND EFFECTIVE MEANS
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OF IMPLEMENTATION, INCLUDING ABILITY TO INAUGURATE COMPREHENSIVE RESEARCH EFFORTS, SCIENTIFIC INVESTIGATIONS AND OTHER TYPES OF ASSESSMENT AND CONTROL MECHANISMS AS WELL AS COMPETENCE TO ARTICULATE INTERNATIONAL CRITERIA AND GUIDELINES.

8. SINGAPORE GAVE STATEMENT, REVIEWING SECRETARY GENERAL'S REPORTS ON SEABED RESOURCES AND COMMENTING ON CONSEQUENCES OF PROPOSED LIMITS OF COASTAL STATE JURISDICTION. HE EXPRESSED ALARM AT SERIOUS IMPLICATIONS OF PROPOSED 200-MILE ZONE FOR COMMON HERITAGE IN LIGHT OF LIMITED AND SPECULATIVE POTENTIAL IN DEEP SEABED. HE CONCLUDED THAT BROAD COASTAL CLAIMS MAY MAKE WORK IN SCI ON SEABED PRINCIPLES AND MACHINERY AN ACADEMIC EXERCISE.

9. REMAINDER OF MAIN COMMITTEE SESSION INVOLVED COMMENTS ON GENERAL PROGRESS OF WORK ICELANDIC REP WARNED THAT IT WOULD BE MISTAKE TO CONCLUDE FROM PROGRESS TO DATE THAT SANTIAGO CONFERENCE SHOULD BE POSTPONED AS ONLY A SMALL FURTHER EFFORT IS NEEDED TO ACHIEVE SUCCESS. HE SUGGESTED THAT FORMULA MIGHT BE FOUND TO RESOLVE DIFFERENCES BETWEEN THOSE WHO SUPPORT 12-MILE TERRITORIAL SEA AND THOSE WHO WANT BROADER TERRITORIAL SEA. HE SAID THERE WAS OVERWHELMING SUPPORT FOR ECONOMIC ZONE AND IT WAS IMPORTANT TO PREPARE CONSOLIDATED TEXT ON THIS ISSUE AND THEREFORE MORE TIME WAS NEEDED FOR INFORMAL CONSULTATIONS AND LESS TIME FOR FORMAL COMMITTEE SESSIONS. HE SUGGESTED UNGA COULD

CONSIDER CALLING FOR FUTRHER PREPARATORY SESSION BUT HE URGED THAT UNGA NOT POSTPONE SANTIAGO CONFERENCE. HE POINTED OUT THAT THERE ARE ARMED CONFLICTS INVOLVING LOS ISSUES GOING ON AND ANY DELAY IN HOLDING CONFERENCE WOULD BE INEXCUSABLE. MEXICAN REP MADE SIMILAR POINTS STRESSING NEED TO HOLD CONFERENCE ON SCHEDULE AND POINTING OUT THAT MOST FRUITFUL WORK IS BEING CARRIED OUT OUTSIDE FORMAL SESSIONS OF COMMITTEE. HE SAID THAT ALTHOUGH PROGRESS WAS NOT VISIBLE IT WAS PREMATURE TO BE PESSIMISTIC AND HE URGED THAT CONSULTATIONS CONTINUE ON TERRITORIAL SEA, ECONOMIC ZONE, LIMITS, AND CONTINENTAL SHELF. HE SAID THAT THESE UNCLASSIFIED

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CONSULTATIONS WERE NOT INTENDED TO RECONCILE ALL VIEWS BUT RATHER TO AGREE ON SINGLE TEXT ON ECONOMIC ZONE. EVEN IF NO CONSENSUS IS ACHIEVED, HE STATED, THERE COULD BE AN INFORMAL WORKING PAPER ON ECONOMIC ZONE. CIRCULATED. IF SUCCESSFUL, HE STATED, THESE CONSULTATIONS WOULD HELP ASSURE THAT SANTIAGO CONFERENCE WOULD BE HELD ON SCHEDULE AND EFFORT DESERVES MORE TIME. AUSTRALIAN REP ASSOCIATED HIMSELF WITH COMMENTS OF ICELAND AND MEXICO.

10. CANADIAN REP ALSO EXPRESSED SOME OPTIMISM. HE INDICATED WHAT HE THOUGHT WAS EMERGING OUTLINE OF LOS COMPROMISE SOLUTION WHICH WOULD INCLUDE:

A. A TERRITORIAL SEA OF 12 MILES.

B. BROADER AREA OF COASTAL STATE JURISDICTION, SUBJECT TO SAFEGUARDS, AND LESS THAN TERRITORIAL SEA. HE SAID THAT KEY TO SUCCESSFUL CONFERENCE WILL DEPEND ON WHETHER CONCEPT OF INTERNATIONAL AREA IS ACCEPTED. HE SAID HE WAS ENCOURAGED WITH LARGE NUMBER OF DELS WHICH SUPPORTED ECONOMIC ZONE WHICH HE DESCRIBED AS INCLUDING RESOURCE, ENVIRONMENT AND SCIENTIFIC JURISDICTION. PERU REP, COMMENTING ON CANADIAN REMARKS, SAID THAT COMBINATION OF 12-MILE TERRITORIAL SEA AND 200-MILE ZONE IS NOT SOLE SOLUTION AND COMMITTEE SHOULD REFLECT ALL VIEWS AND NOT ATTEMPT NEGOTIATE POLITICAL PACKAGE.

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